

Fort Worth Daily Gazette.

Successor to the Democrat-Advance.

FORT WORTH, TEXAS, FRIDAY, JANUARY 19, 1883.

VOL. 7, NO. 29

AUSTIN.

Number of Bills Reported Favorably by Standing Committees.

Mr. W. King Appointed Adjutant-General by Governor Ireland.

Resolution Commending the Public Career of the Retiring Governor.

Nominations for State Officers Confirmed by the Senate.

Numerous Bills and Resolutions Introduced in the House.

Notes on the Legislative Work and Other Matters.

Senate.

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debt shall never exceed fifty cents, with an amendment by Mr. Davis to strike out 50 and insert 40, was ordered printed and made the special order for Saturday.

BILLS ENGROSSED.

Diminishing the jurisdiction of county courts of Camp and Morris counties; also the bill making it an offense to disturb private families or public meetings by yelling, etc.; also a bill providing for the payment of fees by county judges, justices of the peace, sheriffs and constables.

Adjourning to 10 o'clock to-morrow.

HOUSE.

The house met at 10 o'clock. The speaker appointed R. L. Kingsbury, B. F. Fly and Nat. Q. Henderson as additional committee clerks.

PETITIONS AND MEMORIALS.

By Mr. Rushing—Petition of citizens of Kaufman county asking pay by the state of justices of the peace for examining in felony cases.

BILLS REFERRED.

By Mr. Jackson—To appropriate one hundred thousand dollars for a branch insane asylum at Paris or some other point in north Texas.

By Mr. Townsend—To compensate sheriffs and other peace officers for removing prisoners in misdemeanor cases.

By Mr. Fisher—To allow and provide for pay of magistrates, sheriffs and other officers for services in examining trials in felony cases.

By Mr. Parsons—To make the per diem of jurors in justice courts one dollar instead of fifty cents.

By Mr. Etheridge—Requiring county convicts to be worked on public roads, bridges and other public works.

By Mr. Pendleton—To define the manner of ascertaining county boundaries.

By Mr. McBride—Increasing the penalty against road overseers for failure to perform legally required duties.

By Mr. Kendall—Requiring quarterly reports from districts and county clerks and justices of the peace instead of monthly as now provided.

By Mr. Rogers—To create the county of Upton. This is the same bill and embraces the same territory as the one which failed at the regular session of the Seventeenth Legislature.

By Mr. Foster of Grayson—Repealing the law making the use of technical terms to imply covenants which are not expressed, and to provide for the sale of alternate sections of school lands heretofore surveyed by railroads or other internal improvement companies, and for the investment of the proceeds thereof.

By Mr. Davis of Camp—To punish tax collectors for issuing receipts without the signature of the collector.

By Mr. Cochran—Designating the city of Dallas as one of the places for the sitting of the supreme court.

By Mr. Brown—To amend the public law making the scholastic ages eight and eighteen years.

By Mr. Matthews—Making the pay of grand jurors two dollars per day.

By Mr. Hurst—Authorizing counties to purchase land for the purpose of establishing poor farms and to collect taxes for that purpose.

By Mr. Swan—Requiring tax collectors to properly record all their official acts in levying upon, advertising and the sale of property for taxes.

By Mr. Thompson of Bexar—To regulate the fees of county officers.

By Mr. Wurzbach—To punish surveyors for certifying falsely as to any work done by them; also a bill making it a penal offense for anyone connected with the general land office to be interested in or connected with, by receiving emoluments for any business transacted by that office; also by enumerating who are the executive, judicial and legislative officers of the state.

By Mr. McAlpine—Creating a board to lease a building for an additional insane asylum and appropriating one hundred and fifty thousand dollars for the same.

By Mr. Tilson—To regulate the partition of fences.

By Mr. Finch—To prevent a greater interest than twelve per cent. by contract.

By Mr. Peers—To amend the law prohibiting the carrying of deadly weapons and more properly defining who are exempt from the provisions of the law.

By Mr. Rosenthal—Allowing appeal from justice's courts upon affidavit in lieu of appeal bonds.

By Mr. Davis of Camp—Punishing persons doing business without occupation tax licenses from county clerks.

By Mr. Finch—To protect the enclosed premises of another.

By Mr. Moursund—For the relief of persons having had their lands surveyed under the preemption laws now or heretofore existing.

By Mr. Rushing—Regulating the fees of justices of the peace in examining trials in felony cases.

By Mr. Labatt—Occupation tax bill which provides for graded taxation at the rate of three dollars and sixty-five cents per annum for the lowest tax and its multiples for larger sums. This makes one cent a day or its multiple, as the tax increases. All occupation taxes are payable on the first day of July of each year. Any person doing business during the year will only pay for a fraction.

JOINT RESOLUTION.

By Mr. McKinney—Providing for the election of a superintendent of public instruction and to define his duties and compensation. It provides that such officer be elected by the qualified electors of the state at a general election, and that his salary be twenty-five hundred dollars a year.

By Mr. Elliott—To provide for the installation of the governor on the first day after the organization of the legislature.

REPORTS OF COMMITTEES.

Mr. Acker for judiciary number one, favorably, granting a leave of absence to Judge W. H. Burkhardt; favorably the senate bill dispensing with county attorneys in counties where there are resident criminal district attorneys;

favorably on the bill giving grand jurors two dollars a day; favorably on the bill fixing the direct responsibility on engineers for failing to ring the locomotive bells at places required by law; unfavorably on the bill providing a test for grand jurors in felony cases; adversely on the bill qualifying electors under the stock law and recommending reference to committee number two of a bill regulating the sale of liquor in local option districts; favorably on the bill restoring jurisdiction to the county court of Parker county, with an amendment adding Red River county.

Mr. Hill, for judiciary committee number two, unfavorably on the bill amending article 31 of the penal code increasing the penalty of the present law; unfavorably on the bill requiring a deposit of two dollars where writs are sent out of a county; favorably on a committee substitute for the bill amending the law of embezzlement, making sellers of embezzled property guilty of embezzlement.

Mr. Nash, for the committee on state affairs, favorably bill granting leave of absence to Hon. J. T. Craig, county judge of Clay county; favorably on the bill for the disposal of breach (2) estray animals.

Mr. Parsons, for the committee on public health—Favorably on the resolution asking the Texas congressmen to vote against the tax on quinine; also on the resolution asking our congressmen to have a quarantine station at St. Louis Island.

Mr. Caven, for the committee on agriculture, presented a majority report in favor of the bill to prevent interference with labor contracts, with an amendment assessing the damages against the landlord for the violation of the contract.

STOCK RESOLUTIONS.

By Mr. Wurzbach—That all bills reported favorably and not recommended printed by the committee be not printed. Laid over under the rules.

BILLS ENGROSSED.

Mr. Labatt's bill concerning factors, commission merchants and other agents was read the second time and ordered engrossed.

Mr. Swan's bill for amending the law for the protection of wool growing interests of the state, after being variously amended by the exemption of certain counties from its provisions, was ordered engrossed.

The bill relating to verified answers in civil cases was ordered engrossed.

The bill regulating the fees of county attorney, and allowing fifteen dollars for services in examining trials, after discussion, was ordered engrossed.

NOTES.

Mr. Cochran's bill, introduced in the house to-day, provides for the removal of the supreme court from Tyler to Dallas. A prominent attorney from east Texas to-day said his section would fight hard to retain the court at Tyler, but in the event the legislature decides to remove, most of the lawyers of the east would prefer Fort Worth to Dallas. The reasons given for this are:

First, With the court at Fort Worth a better distribution of territory and business could be had, and with the other two places, Austin and Galveston, a complete triangle of the districts could be formed.

Second, Most of the lawyers and others beside regard it as objectionable to have the supreme court in the same city with the federal court. A hard fight all around is predicted.

The comptroller finished moving into the new capital.

Mr. Kendall of San Antonio has been appointed private secretary to Governor Ireland, and entered upon the discharge of his duties to-day.

The south-bound train was on time to-day for the first time in a week.

Colonel R. W. Loughery, the veteran Texas editor, has been made clerk of the house finance committee.

The bill to create a board of railroad commissioners, introduced in the house by Mr. Moursund, is somewhat similar in its main features to a bill introduced in the Seventeenth Legislature.

It provides for a board of three commissioners, one to be a civil engineer, another a man well posted in railroad affairs, and the third to be recommended by the different chambers of commerce of the state. The salaries of these commissioners are to be \$3,000 each per year. The bill has to go to the committee on internal improvements, where many other bills of a like nature will probably find their way within the next few days.

It is generally believed that the committee will, finally, report a substitute bill for all those proposed by the members, as was done in the Seventeenth Legislature. It is now admitted on all sides that railroad legislation of some kind will be perfected during the present session. It is stated also that a bill for the repeal of the three cents a mile law will be introduced in the senate, but when and by whom has not yet developed.

A prominent member from east Texas remarked a day or two ago to a GAZETTE reporter, that should a member from his section introduce such bill, he would be burned in effigy without delay. The sentiment now is very decidedly against such repeal, but it remains to be seen what a strong lobby can accomplish.

The members drew their certificates for mileage and first installment of per diem yesterday and to-day. The living up of business in Austin will be sensibly felt.

The bill by Mr. Benavides providing for punishment for violation of contracts by domestics, makes it a misdemeanor for a person hiring to another and receiving any part of wages in advance to violate contract by refusing to work. The bill appears to be fair in its intentions and stands a good chance to become a law.

The report in last Sunday's GAZETTE was complimented by many members as being the best telegraphic report sent from the city.

There is no question but that some kind of bill to change the present election laws will pass both houses this session.

Mr. John Walton of McKinney has been made chief clerk in the secretary of state's office. Mr. Walton has been a clerk in the land office for some time, and is a capable and clever gentleman. Mr. J. W. Baines, the new secretary of state, took charge of the office to-day. Judge Ellis, who has been a clerk for so long a time, declined a reappointment.

The memorial services in honor of the late George R. Reeves will take place on the 30th of January.

Mr. Cochran's amendment to article xvi, section 50 of the constitution, provides to do away with the written contract, signed by married women, and will leave the constitution, if amended, so that proof of material furnished or labor done will be a good and sufficient lien on homestead.

Following is the full text of the bill of Mr. Scott of Kerr county, to control the grazing of stock. The bill has been considered in the committee, and it is reported only one member thereof objects to it:

A bill to be entitled an act to control and regulate the grazing of all stock, and to repeal all laws in conflict therewith.

Section 1. Be it enacted by the legislature of the state of Texas:

That all stock when held continuously under herd for grazing purposes, shall be held or herded on land or lands owned or rented by the party or parties owning or controlling said stock.

Provided that all stock, when being driven through the state for sale or ranch purposes, shall have free right of way, and water and grazing privileges, when not held longer than twenty-four hours in any one locality, and that any party or parties owning or controlling stock in violation of any of the provisions of this act shall first be notified by the party or parties owning or controlling said stock to remove same, and whenever said party or parties so violating said provisions of this act shall refuse or neglect at once to remove said stock on receiving said notice, he or they owning or controlling said stock shall be deemed guilty of embezzlement, and upon conviction thereof shall be fined in any sum not less than twenty-five nor more than two hundred dollars and all costs of suit.

A THROAT CUT.

An American Murdered Near New Laredo—No Clue to the Criminals.

Special to the Gazette.

Laredo, January 18.—Last evening as the passenger train from Monterey came in, some of the passengers noticed a pool of blood near the road, twelve miles out from New Laredo, and calling the attention of the conductor to the same he halted, and on examination found a hat lying near. This led to further search and about twenty steps from the road was found an American man with his throat cut from ear to ear. No paper was on the body or anything by which he could be identified. He had red hair and whiskers and was of medium size. No clue to the perpetrators of the crime. This is the fourth American who has been brutally murdered in New Laredo and vicinity in a few weeks.

The weather is fine and the town very quiet since the fiestas. Babcock reopens the Olive Branch Variety Theatre on the 23d ultimo.

FUTURE CONTRACTS.

An Interesting Trial in Progress to Recover Cotton Margins.

A Minister on the Jury Who Cannot Endorse a Gambling Scheme.

Dallas, January 18.—The case of Dennis, Perkins & Co of New York vs. W. C. Howard of Dallas, involving the validity of cotton future dealings, has been on trial all the week in the Federal court before District Judge McCormick and Circuit Judge Pardee. The case was given to the jury yesterday, but up to to-night no verdict had been reached. There appears to be a general interest manifested in the case among the cotton men throughout the state. The plaintiff claims to have put up nine hundred margin for the defendant. The market fell and they lost. Defendant refused to pay the nine hundred dollars, claiming a gambling transaction. The plaintiffs sue to recover. Judge Pardee in his charge to the jury said that a valid contract for future delivery may be made even if the seller has no cotton, but that it is the understanding with both parties that no cotton is to be handed, but only the difference in price is to be paid. The contract is void, it being a gambling transaction. In the case before them the jury were told that if they discovered from the evidence and their knowledge of such transactions that they were a scheme to gamble upon a change of price, no recovery could be had. If a broker knows of the illegal designs of his principals he can recover neither commissions nor losses. On the other hand, if the broker is in good faith and without the knowledge of illegal intentions on the part of his principal makes a purchase, then the broker may recover of his principal any money paid out by him in his behalf. In the evidence taken by the defense it was shown in 1880, when this transaction occurred the entire cotton crop was 3,000,000 bales, but that the sales of futures in New York amounted to 35,000,000 bales. The case is an important one, as Judge Pardee's circuit includes the states of Texas, Louisiana, Mississippi, Georgia and Alabama. The jury came in on to-day but had not agreed. It appears that they stand eleven for the plaintiff and one for defendant. The one juror is a minister and cannot reconcile his conscience to give a verdict which would in any manner uphold gambling. The panel at first contained three ministers, but two were rejected. The fact that this juror is a minister was not known till after the case went to the jury, or he too would have been rejected.

The posse that started in pursuit of Frank Bullington last Sunday, for the murder of John Stropper, have not yet captured him, but are still on the trail. A member was in the city to-day and says the posse is three

hundred strong, but the thickets where Bullington is concealed are so dense he could hide there from a thousand men. The posse declare Stropper was killed in cold blood, and that they will trail him until they capture him. He has a large quantity of cotton and they claim he is hiding out until his friends sell it and get the money to him.

Francis Fox was brought to the city last night from Callahan county by Deputy United States Marshal Grant, charged with violating the revenue laws.

A plot to release the prisoners in the county jail was discovered last night by intercepted letters. Tools were found in the cells, among them a chisel for cutting the bars, which had been worked on. Friends of the prisoners were to overpower the jailer and guards, and, if necessary, kill them to make release.

DENISON DOTS.

A Lost Boy—Jewelry Closed Up—Burglary—Buried.

Special to the Gazette.

A three-year old child was found wandering around the streets yesterday. He could not tell where he belonged or who he was. He was finally taken care of by a Mrs. Masters of this city.

It was rumored on the streets yesterday that Mr. H. T. Walker, one of our leading jewelers had, failed. Mr. Walker was interviewed and was very indignant that such a report was in circulation, and stated that he had not failed or made an assignment, and more, that he did not intend to; that there was no reason for his doing so, and the report was false in every particular. Never-the-less, in spite of the above assertion Mr. Walker was closed out this morning by a New York firm. This is the fourth failure in three weeks that has occurred in this place.

Burglars forced an entrance through the rear end of Yold's saloon last night and rolled the safe from the building to the alley in the rear of the place, and knocked the combination lock off with a sledge hammer, and then by means of a small bar knocked the bolts back and rifled it of about \$200. They left no clue. The night watchmen were surprised when they heard of the burglary. The city is infested at present with about twenty suspicious looking individuals set down by some as crooks from Chicago and St. Louis and by others as Globe-Democrat attaches on a pleasure trip.

The remains of Joseph Devana who was killed at Houston, were brought here yesterday for interment.

AN EX-MINISTER'S DEATH.

Norristown, January 18.—R. H. Newbold, aged 76 years, of the firm of R. H. Newbold & Son, owner of extensive machine works, died this morning. The deceased was at one time United States minister to Mexico, and held other positions under the government.

DIVIDEND DECLARED.

New York, January 18.—The directors of the Illinois Central Railway declared a semi-annual dividend of four per cent made up by three and a half per cent on the Central stock, and one-half per cent from the earnings of southern lines. The books will close February 10, and the dividend be payable March 1.

SUBSTANTIAL AID.

Berlin, January 18.—In the relief-star to-day, the president announced he had received from the Germans residing in St. Louis and Louisville 39,000 marks and 16,000 marks for distribution to the sufferers from the floods. Dr. Kepp proposes to express to the donors the thanks of the house, which was agreed to with loud applause.

SHOT HIS WIFE.

St. Louis, January 18.—About 6 o'clock this evening Elmer Palmer, a printer in the employ of the Great Western Printing Company, met his wife on Fifth street between Pine and Chestnut, and dragged her into an alley close by, and shot her in the neck with a revolver. He then put a ball into his head. The woman is only slightly hurt, but Palmer, who was taken into a dispensary and sent thence to the city hospital, is said to be mortally wounded. The ball struck the brain behind the right ear. Palmer says he shot his wife because she left home when he entered the house, while the woman says he had no cause for the act.

A Part of Our Navy.

The Miantonomah is the victim of numerous misfortunes. It took several weeks to make its first trial trip, owing to high winds and other atmospheric disturbances. It was about to make a second trial trip and it is now frozen up in the ice. It will not be dangerous to the other schooners while the cold weather continues, and perhaps if next season should be reasonably long it may find time to make the contemplated trial trip before ice comes again.—Philadelphia Times.

The greatest want of Georgia just now seems to be vaccine matter. The governor sits up nights reading the applications instead of employing a regular vaccine agent at \$150 a year, as was formerly done.

Herr Krupp, the great gun-maker of Essen, whose business it is to keep the peace of Europe, runs twenty-one rolling mills and 450 steam engines, besides eighty-nine steam hammers and 1,550 furnaces.

A new postoffice has been established at Berkeley, Norfolk county, Virginia, with John R. Hathaway as postmaster. Also, at Stokesland, Pittsylvania county, Virginia, with John C. Gatewood as postmaster.

WASHINGTON.

The Remains of DeLong and Comrades to Be Sent Home.

Decision of An Important Land Question—Prominent Citizens Fined.

Washington, D. C., January 18.—Secretary Chandler received the following from Minister Hunt, at St. Petersburg: "The government finally authorized the removal of the remains of DeLong and comrades by Irkutsk or Ootalsk."

The secretary telegraphed in reply to have the remains transported by way of Irkutsk.

The secretary of the interior has decided a question of much importance to settlers on lands within the limits of railroad grants. Where settlements have been made after a withdrawal of lands and before the date of definite location of the road, the secretary holds that settlers and that settlers are protected by the statute up to the time the road is fixed. It appears the preliminary withdrawals have generally been made in years past for the benefit of the land grant railways, before a definite location of the roads and that a settlement of rights had been excluded from the withdrawn lands. A large amount of land has been withdrawn for the Northern Pacific, Southern Pacific, Atlantic and Pacific, Texas and Pacific, and New Orleans and Pacific roads. Secretary Teller's decision opens such lands to a settlement and entry under the homestead and pre-emption laws of the United States.

In the court of commissioners on the Alabama claims it was announced the court would follow the precedent established by the former court and allow the parties in interest to withdraw the original papers from the files for the purpose of having them printed, on leaving a receipt with the clerk of the court.

Mr. Hotchkiss on behalf of a large number of insurance companies argued the question of the appointment of experts to examine the books of the insurance companies and to certify to the copies in relation to the dividends of the war and marine premiums and other inter state questions of insurance. The arguments were heard, and Mr. Hotchkiss ordered to prepare a rule to submit to the court on Tuesday to which time it adjourned.

In the McCone case recently decided by the secretary of the interior, involving the title of a large tract of land in Chicago, on the side of the river opposite Fort Dearborn, the decision takes the ground that the case is not only res adjudicata, but that McCone's claim is without legal basis. This disposes of the claim and the plea that although there may have been a failure on their part to observe the technicalities, still they were entitled to equitable adjustment.

Some time ago the attorney-general transmitted to the secretary of the interior a letter from the district attorney of Wyoming confirming the reports that large areas of public lands had been put under wire fence in that territory. The district attorney believed the parties could not be molested under the existing law. A man named Swann had leased alternate sections and then fenced in an enormous area of school lands. Teller has written a vigorous letter to the attorney-general answering the communication, in which he says it is begging the question to say that local sentiment will prevent the court and jury from performing their duties at the instance of proper authorities. He has also laid a bill before congress to aid in suppressing the outrages, but meanwhile recommends energetic measures to be taken by the department of justice; that the district attorney be directed to proceed against Swann and that suits be instituted to recover money for hay cut from the land illegally enclosed.

Secretary Folger referred the case of Collector Holmes, of Brownsville, Texas, to special agent Barney with instructions to make a full investigation of the charges, the most serious of which is collusion with smugglers.

A large number of prominent residents at Washington were fined two dollars each in the police court for neglect to have the snow removed from the sidewalk in accordance with the law. Among them were Gen. Hazen, chief engineer of the signal office, and G. B. Rain, commissioner of internal